



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,309	10/17/2003	William Glen Boyd	3561-153	8889

20575 7590 01/11/2006

MARGER JOHNSON & MCCOLLOM, P.C.  
210 SW MORRISON STREET, SUITE 400  
PORTLAND, OR 97204

EXAMINER
----------

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/688,309	<b>Applicant(s)</b> BOYD ET AL.	
	<b>Examiner</b> Kenneth R. Coulter	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-44 is/are allowed.
- 6) ☒ Claim(s) 45-53, 56 and 57 is/are rejected.
- 7) ☒ Claim(s) 54 and 55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/14/05</u> . | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 45 – 53, 56, and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Waclawsky et al. (U.S. Pat. No. 5,974,457) (Intelligent Realtime Monitoring of Data Traffic).

2.1 Regarding claim 45, Waclawsky discloses a method for analyzing access information in a distributed computing environment, the method comprising:

collecting a plurality of hits including access information (Abstract; Figs. 1A-1, 1B-1; col. 3, lines 16 – 34; col. 5, lines 31 – 48 “customized to store and archive batch traffic information”);

summarizing the collected access information (Figs. 6A-6E; col. 12, lines 22 – 43 “Summarization windows”);

creating analysis results from the collected access information (Figs. 1B-2, 3, 6A-6E; col. 5, lines 31 – 58 “analysis monitoring and control of the first class of network traffic”; col. 12, lines 22 – 43);

storing the analysis results (Fig. 3, item 187; Fig. 5, item 187; col. 13, lines 15 – 30 “specify that the alert and the requested information be logged in a file for later subsequent analysis and activity”; col. 7, lines 7 – 15 “archiving”);

periodically repeating steps (a) through (d) (Figs. 1A-2, 9A; col. 6, lines 23 – 67; col. 7, lines 16 - 28);

defining a predetermined time frame (Fig. 9A; col. 6, lines 23 – 67; col. 7, lines 16 - 28); and

generating an analysis summary from the stored analysis results for the predetermined time frame (Figs. 1B-1, 1B-2, 6A-6E; col. 12, lines 22 – 43; col. 8, lines 31 – 38 “trends analysis”).

2.2 Per claim 46, Waclawsky teaches the method of claim 45 in which collecting hits comprises collecting the hits from a single traffic source (Figs. 1A-1, 1B-1; Abstract).

2.3 Regarding claim 47, Waclawsky discloses the method of claim 45 in which collecting hits from a plurality of sources (Figs. 3, 6A-6E; col. 12, lines 44 - 68).

Art Unit: 2141

2.4 Per claim 48, Waclawsky teaches the method of claim 45 wherein the predetermined time frame spans at least a portion of only one period (Figs. 1A-1, 1A-2; Abstract; col. 5, line 59 – col. 6, line 13; col. 7, lines 16 - 28).

2.5 Regarding claim 49, Waclawsky discloses the method of claim 45 wherein the predetermined time frame spans at least portions of at least two periods (Figs. 1A-1, 1A-2; Abstract; col. 5, line 59 – col. 6, line 13; col. 7, lines 16 - 28).

2.6 Per claim 50, Waclawsky teaches the method of claim 45 further comprising:  
storing the analysis summary (Figs. 1B-1, 1B-2, 6A-6E; col. 12, lines 22 – 43; col. 8, lines 31 – 38);  
defining a second predetermined time frame different from the first (Figs. 1B-1, 1B-2, 6A-6E; col. 12, lines 22 – 43; col. 8, lines 31 – 38);  
inventorying the stored analysis summary (Figs. 1B-1, 1B-2, 6A-6E; col. 12, lines 22 – 43; col. 8, lines 31 – 38); and  
using information in the stored analysis summary to generate at least a portion of an analysis summary for the second predetermined time frame (Figs. 1B-1, 1B-2, 6A-6E; col. 12, lines 22 – 43; col. 8, lines 31 – 38).

2.7 Regarding claim 51, Waclawsky discloses the method of claim 45 further comprising adjusting the analysis summaries where access information is counted more than once (Figs. 1B-1, 1B-2, 6A-6E; col. 12, lines 22 – 43; col. 8, lines 31 – 38).

2.8 Per claim 52, Waclawsky teaches the method of claim 45 in which summarizing collected access information comprising summarizing the collected access information by type (Abstract "traffic type"; col. 4, lines 4 - 8).

2.9 Regarding claim 53, Waclawsky discloses the method of claim 45 wherein storing the analysis results in a container file (Abstract; Figs. 1A-1, 1B-1).

2.10 Per claim 56, Waclawsky teaches the method of claim 45 wherein said method further comprises storing the hits in a database (Abstract; Figs. 1A-1, 1B-1).

2.11 Regarding claim 57, Waclawsky discloses the method of claim 56 wherein said method further comprises storing the hits in a database between steps (a) and (b) (Abstract; Figs. 1A-1, 1B-1).

***Allowable Subject Matter***

3. Claims 21 – 44 are allowed.

4. Claim 54 and 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

krc

KENNETH R. COULTER  
PRIMARY EXAMINER  
